

# Translation

PATENT COOPERATION TREATY

PCT/EP2003/012156



## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P19437WO	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/012156	International filing date (day/month/year) 31 October 2003 (31.10.2003)	Priority date (day/month/year) 28 November 2002 (28.11.2002)
International Patent Classification (IPC) or national classification and IPC A61B 6/00		
Applicant SIEMENS AKTIENGESELLSCHAFT		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
  - ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:
    - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
    - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
  - ☐ (sent to the International Bureau only) a total of \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 24 June 2004 (24.06.2004)	Date of completion of this report 23 December 2004 (23.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/012156

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:  
 pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-9 \_\_\_\_\_, as originally filed/furnished  
 pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed/furnished  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/EP 03/12156

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims		YES
	Claims	1, 2	NO
Inventive step (IS)	Claims	3-9	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

### 2. Citations and explanations

1. The present report makes reference to the following search report citation:

D1: US-A-6 428 206

2. The application does not satisfy the requirement of novelty within the meaning of PCT Article 33(2) because the subject matter of claims 1 and 2 is anticipated by document D1.

Document D1, which is cited in the application on page 1, lines 30 ff, discloses (in the embodiment shown in figures 2, 3 and 7) an X-ray support structure with an outer C arc (5) along which a mounting (arm 4) for an inner C arc (3) is displaceably arranged (see arrow b in figures 2 and 3), said inner C arc (3), which supports an X-ray tube (1) and an image amplifier (2), being displaceably arranged in the mounting (4) (see arrow c in figures 2 and 3), and with a drive device (e.g. motors 14 and 19; cf. figure 7; column 9, lines 38-40; column 10, lines 11-14 and 30-32) for displacements b and c, said displacements being executable in such a way that the inner C arc (3) and the mounting (arm 4) move in the same direction. Since

the application describes a multi-part drive device as consisting of a "single driving means", the multi-part drive device according to D1 should also be considered to consist of a "single driving means".

The feature of claim 1 wherein the drive device is arranged in the mounting (holder 6 in figure 7), also appears in document D1.

Therefore, the subject matter of claims 1 and 2 does not satisfy the requirement of novelty.

3. The features of claim 3 are not disclosed in document D1, since said features relate to a particular drive device, namely one that influences the inner C arc and the mounting with one ratio each, the ratios interacting in accordance with the lengths of the two C arcs. As is explained on page 2, line 35 ff, it is possible to achieve a desired optimal length of the telescopic movement of the two C arcs in this way. These features are also not anticipated or suggested by the other search report citation.

Therefore, the subject matter of claim 3 fulfills the criteria set forth in PCT Article 33. The same also applies to the subject matter of dependent claims 4-9, since these claims define preferred embodiments of the subject matter of claim 3.